

CITY COUNCIL AGENDA

APRIL 3, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Members – None.

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.

7:05 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Council Members – None.
- **Invocation (District 4)**
Associate Pastor Dave Sefton, Jubilee Christian Center, delivered the invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved with following addition: Item 11.7 continued to 04/17/01.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to James T. Harper in honor of his retirement. (Mayor)
(Rules Committee referral 3/28/01)
Joining Mayor Gonzales at the Podium were Council Member Dando and honoree James Harper who was presented the commendation in honor of his contributions to the City of San José.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation to announce the City of San José Energy Fair, April 8, 2001. (Mayor)
(Orders of the Day)

Joining Mayor Gonzales at the Podium were Director of Environmental Services Carl W. Mosher, and Environmental Program Manager Mary Tucker who invited the public to attend the City of San José Energy Fair on Sunday, April 8, 2001, 10:00 a.m. to 5:00 p.m. at ComPaq Center.

- 1.3 Mayor Gonzales and the City Council joined Council Member Williams in welcoming Mrs. Lenier and her 3rd Grade Class from St. Stephens School, who were accompanied by six parents. The guests were asked to stand to be recognized.

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of City Council minutes for:

- (a) Regular meeting of December 12, 2000
Approved.
- (b) Joint Council/Redevelopment Agency Board meeting of December 12, 2000.
Approved.
- (c) Regular meeting of December 19, 2000
Approved.
- (d) Joint Council/San Jose Financing Authority meeting of December 19, 2000
Approved.
- (e) Joint Council/Redevelopment Agency Board meeting of December 19, 2000
Approved.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26325 – Amends Chapter 20.90 of Title 20 of the San José Municipal Code by adding a new Part 8 to establish the Alum Rock Village Parking Management Zone.

Ordinance No. 26325 adopted.

- (b) ORD. NO. 26327 – Rezones certain real property situated at the southeast corner of Hedding Street and Park Avenue. PDC 00-10-107

Ordinance No. 26327 adopted.

- (c) ORD. NO. 26328 - Rezones certain real property situated on the south side of Berryessa Road between 16th and 17th Streets. PDC 00-09-092

Ordinance No. 26328 adopted.

- (d) ORD. NO. 26329 - Rezones certain real property situated on the northwest corner of West Alma Avenue and Sherman Street. PDC 00-12-122

Ordinance No. 26329 adopted.

- (e) ORD. NO. 26330 - Rezones certain real property situated approximately 600 feet southerly of Umbarger Road between Monterey Road and Aiello Drive. PDC 00-06-051

Ordinance No. 26330 adopted.

- (f) ORD. NO. 26331 - Rezones certain real property situated on the northerly side of Piercy Road, approximately 350 feet easterly of the intersection of Silver Creek Valley Road and Hellyer Avenue. PDC 00-08-077

Ordinance No. 26331 adopted.

- (g) ORD. NO. 26332 - Rezones certain real property situated on the west side of Winchester Boulevard approximately 150 feet northerly of Neal Avenue. PDC 00-12-123

Ordinance No. 26332 adopted.

- (h) ORD. NO. 26333 - Rezones certain real property situated at the southeast corner of East Hedding and North 8th Streets. PDC 00-10-101

Ordinance No. 26333 adopted.

- (i) ORD. NO. 26334 - Prezones certain real property situated in the public right-of-way located on the north side of Curtner Avenue, approximately 540 feet easterly of Salerno Drive, to the intersection of Curtner Avenue and Salerno Drive. CC 1-02-018

Ordinance No. 26334 adopted.

2 CONSENT CALENDAR

2.3 Approval of actions to accept grant funds from the State's "California Law Enforcement Equipment Program."

Recommendation:

- (a) Adoption of a resolution accepting a grant award from the State's "California Law Enforcement Equipment Program."

Resolution No. 70242 adopted.

- (b) Adoption of an appropriation ordinance and funding sources resolution amendments to establish an appropriation in the amount of \$419,268 to the Police Department.

(City Manager's Office/Police)

Ordinance No. 26339 adopted.

Resolution No. 70243 adopted.

2.4 Approval for the City Manager to travel.

Recommendation: Authorization for the City Manager to travel to attend the ICMA Best Practices 2001 Conference in Newport, Rhode Island from April 25 through April 29, 2001. (City Manager's Office)

Approved.

2.5 Approval of an agreement to design Public Art at the Animal Shelter.

Recommendation: Approval of an agreement with Lewis deSoto to design a work of art for the Animal Shelter in an amount not to exceed \$27,300. Council District 7.

(Conventions, Arts and Entertainment)

Approved.

2.6 Approval to submit a grant application to the California Energy Commission's Renewable Energy Consumer Education Program.

Recommendation: Adoption of a resolution authorizing the City Manager to submit a grant application to the California Energy Commission-Renewable Energy Consumer Education Program in the amount of \$125,650, to conduct a program that provides renewable energy educational materials and workshops for City Departments and their customers for the period June 1, 2001 through June 30, 2002, to accept the grant if awarded, and to execute all related documents. (Environmental Services)

Resolution No. 70244 adopted.

2 CONSENT CALENDAR

2.7 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #36, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.8 Approval to reject bids for the purchase of a portable X-ray System.

Recommendation: Reject all bids for the purchase of a portable X-ray system for the Police Department's Bomb Unit. (General Services)

Approved.

2.9 Approval of contracts related to reimbursements from the Peace Officer Standards and Training Program.

Recommendation: Adoption of a resolution authorizing the City Manager to execute three contracts with the Commission on Peace Officer Standards and Training related to components of the previously approved POST-reimbursed training program for peace officers in Santa Clara County, for a contract term from July 1, 2000 to June 30, 2001, in an amount of \$280,168. (Police)

Resolution No. 70245 adopted.

2.10 Approval of actions to initiate vacation of a portion of Fontanoso Avenue and setting a public hearing.

Recommendation: Adoption of a resolution of intention to conditionally vacate a portion of Fontanoso Avenue immediately east of Hellyer Avenue; to reserve a public service easement (PSE); and setting a public hearing on May 1, 2001 at 1:30 p.m.

CEQA: Resolution No. 70021. Council District 2. (Public Works)

Resolution No. 70246 adopted.

2.11 Approval to extend an agreement for environmental impact reporting services.

Recommendation: Approval of a continuation agreement for consultant services with Denise Duffy & Associates, Inc. for the preparation of environmental impact reporting services for the Tuers-Capitol Golf Course Project, extending the term through June 30, 2003, with no change to the total agreement amount of \$287,177. Council District 7. (Public Works)

Approved.

2 CONSENT CALENDAR

2.12 Approval of an agreement for final design and improvements for the Midtown Park Project.

Recommendation: Approval of an agreement with Dillon Design Associates for consultant services for the O'Connor (Midtown) Park Project, from the date of execution of the agreement to February 28, 2003, in the amount of \$66,000, and additional services in the amount of \$6,000, for a total agreement amount of \$72,000. CEQA: Negative Declaration. Council District 6. (Public Works)

Approved.

2.13 Approval of a lease agreement for the Police Department's Community Service Division.

Recommendation: Approval of a five-year lease agreement with Wen Y. Huang for 12,600 square feet of office space on the ground floor of a building located at 1671 The Alameda for the Police Department's Community Service Division at a rental rate of \$51,660 per month for the first year of the lease with annual increases to \$63,000 per month for the final year of the lease term. (Public Works)

Approved.

2.14 Final adoption of Ordinance 26326.

Recommendation: ORD. NO. 26326 – Amends Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code to amend Table 20.90 to add additional use regulations on a portion of the properties within the Downtown Core regarding ground floor street frontage space and to add Section 20.200.295 to Chapter 20.200 to further clarify the additional ground floor use regulations.

Ordinance No. 26326 adopted.

2.15 Approval to substitute a subcontractor for the Police Athletic League Modular Building Project.

Recommendation: Approval of a request from Design Space Modular Buildings, Inc. to substitute VHT Plumbing in place of Northstar Plumbing, as subcontractor to perform the plumbing work for the Police Athletic League Modular Building Project at no cost to the City. CEQA: Exempt. Council District 5. (Public Works)
(Rules Committee referral 3/28/01)

Approved.

2 CONSENT CALENDAR

2.16 Approval of an agreement for the Cahalan and Playa del Rey Parks Renovation and Houge Park Renovation Projects.

Recommendation: Approval of an agreement with the beals group, inc. for consultant services for the Cahalan and Playa del Rey Parks Renovation and Houge Park Renovation Projects, from the date of execution of the agreement to May 31, 2002, in the amount of \$172,130, and additional services in the amount of \$20,000, for a total agreement amount of \$192,130. Council Districts 9 and 10. (Public Works) (Rules Committee referral 3/28/01)

Approved.

2.17 Approval of a parkland agreement, the plans, final map and contract for Tract No. 9285.

Recommendation: TRACT NO. 9285 – Southwest corner of Sierra Road and Piedmont Road – Summerhill Piedmont LLC, A California Limited Liability Company, Owner by: Summerhill Homes LLC, A California Limited Liability Company, its manager (Developer) – 25 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, and contract for Tract No. 9285. CEQA: ND. Council District 4. (Public Works)

Parkland Agreement Approved.

Resolution Nos. 70247-70249 adopted.

2.18 Designation of the Project Diversity Screening Committee chair.

Recommendation: Approval of the designation of the Project Diversity Screening Committee chair. (Mayor) (Rules Committee referral 3/28/01)

Approved.

2.19 Approval of an ordinance related to bonds.

Recommendation: Approval of an ordinance adding a new Chapter 1.19 of Title 1 of the San José Municipal Code to include general provisions related to bonds and amending and restating Chapter 4.38 of Title 4 relating to the powers and procedures for the issuance of Airport Revenue Bonds. CEQA: Exempt. (City Attorney's Office) (Rules Committee referral 3/28/01)

Ordinance No. 26340 passed for publication.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session, Mayor Gonzales, Chair No Report.

3.2 Report of the Rules Committee – March 21, 2001 Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Committee forwarded all items to Redevelopment Agency Board.
- (b) City Council
 - (1) Review April 3, 2001 Draft Agenda
The Committee approved the April 3, 2001 Amended Agenda.
 - (2) Add New Items to March 27, 2001 Amended Agenda
The Committee recommended four additions to the March 27, 2001 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
 - (d) Ad Hoc Traffic Calming Advisory Committee**None Presented.**
- (d) Meeting Schedules
 - (1) Request to schedule a Strong Neighborhoods Initiative Study Session on April 26, 2001, from 8:00 – 12:00 p.m. in the Council Chambers.
The Committee recommended approval for a Strong Neighborhoods Initiative Study Session on April 26, 2001, 8:00 a.m. to 12:00 Noon in Council Chambers.
- (e) The Public Record
None Presented.
- (f) Boards, Commissions and Committees
None Presented.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (1) Accept status report on the 2001 Council Referral Schedule and direct Administration to revise Council Policy 0-12 to reflect the current Council Referral process.

This item continued on the next page.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 21, 2001 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

(1) Accept status report on the 2001 Council Referral Schedule and direct Administration to revise Council Policy 0-12 to reflect the current Council Referral process. (Cont'd.)

The Committee recommended acceptance of the status report on the 2001 Council Referral Schedule to include two changes:

- **Council Referral No. 12-14-99-8(c-d) – Change due date to April 2001**
- **Council Referral No. 12-12-00-9i – Include a report on the length of time for City to process checks.**

The Committee made the following suggestions to streamline/facilitate the Council Referral process, i.e., that (a) Council Member clearly state their referrals and follow-up with a written request; (b) the Administration commit to a date on which an Administrative Workload Assessment report will be returned to the Rules Committee; (c) due dates to Rules Committee be closely tracked; (d) requests for information, not referrals, be electronically mailed to the City Manager; (e) the Administration centralize duplicate tracking systems for referrals or requests for information; (f) the preparation of ordinances as part of a referral be tracked with the referral; (g) the Administration complete Workload Assessment on “high priority” items first and, if time allows, proceed to lower priority items; (h) the Rules Committee review referrals on a regular basis, e.g., quarterly or semi-annually; and (i) the revised draft Council Policy 0-12 be reviewed by Rules Committee prior to Council review.

(2) Request to refer a review of the City’s enforcement of Mitigation Monitoring Plans to the April 2, 2001 Economic Development and Environment Committee meeting for study and discussion.

The Committee recommended an oral review of the City of San José’s enforcement of Mitigation Monitoring Plan be added to the April 2, 2001 Economic Development & Environment Committee Agenda, followed by a written report at the May 7, 2001 meeting.

(3) Direct the City Auditor to conduct a review of the repayment terms and conditions of the Redevelopment Agency’s development agreements.

The Committee recommended the City Auditor be directed to conduct a review of the repayment terms and conditions of the Redevelopment Agency’s development agreements.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules Committee – March 21, 2001 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(h) Administrative Reviews and Approval

None Presented.

(i) Oral communications

None Presented.

(j) Adjournment

The meeting was adjourned at 2:40 p.m.

The Rules Committee Report and actions of March 21, 2001 accepted.

3.4 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee

Council Member Williams, Chair

No Report.

4.2 Public Hearing opening the 30-day review of the draft 2001-2002 Draft Consolidated Plan Annual Action Plan.

Recommendation: Public Hearing opening the 30 day review for the 2001-2002 Draft Consolidated Plan Annual Action Plan, including FY 2001-2002 proposed recommendations for the Community Development Block Grant (CDBG) Program, the HOME Program, the Housing Opportunities for People with AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.

(Housing/Parks, Recreation and Neighborhood Services)

This Item Heard in the Evening.

Public Hearing was opened and approximately 30 individuals addressed Council on the Draft 2001-2001 Action Plan.

Council directed the Administration to distribute to Council on or before May 1, 2001, integrated into one document, comprehensible analyses of the benefits and tradeoffs resulting from Council decision on the proposed Plan,

This item continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Public Hearing opening the 30-day review of the draft 2001-2002 Draft Consolidated Plan Annual Action Plan – (Cont'd.)

including: (1) Housing types and cost by category to achieve the 6,036 units and the resources necessary to accomplish the goal and continue to move forward with the VLI category. (2) Comprehensive explanation of how the 20% is currently allocated among categories over the remainder of the five-year period. (3) Breakdown of the percentage of funding already allocated to projects and the amount in each of the categories identified in the Housing Plan. (4) Identify in the Mayor's Budget the \$10 million committed to housing issues, and identify additional funding sources that may impact unit costs. (5) At what time will results of current studies identified in the ConPlan or an integrated housing plan be finalized and presented to Council. (6) Consideration of a comprehensive workplan for the Housing Department as a lead agency for housing. (7) Identify advances from 20% funds and Federal Home funds that have been used to provide additional support to ELI units. (8) Review the City's rental assistance program and develop recommendations on how the City can expand the program to address current rental market activities, e.g., unjust evictions. (9) Compile data on how the City can reduce the cost of unit construction while increasing the number of units, thereby meeting the needs of ELI households. (10) Results of an appraisal of the 30% goal in the context of the 5-year ConPlan.

4.3 Public Hearing and approval to designate the Montgomery Hotel as a Historic Landmark.

Recommendation: Public Hearing and adoption of a resolution designating the Montgomery Hotel as a Historic Landmark (HL00-120).

(Historic Landmarks Commission)

Resolution No. 70250 adopted.

4.4 Approval of the East Dobern/Capitol-Goss Neighborhood Revitalization Plan.

Recommendation:

- (a) Approval of the East Dobern/Capitol-Goss Neighborhood Revitalization Plan.
- (b) Direction to the City Manager to authorize the Departments with implementation responsibilities to begin their respective activities, including the general oversight of the implementation of the Plan by the Department of Parks, Recreation and Neighborhood Services.
- (c) Approval of the proposed expenditure of the \$600,000 of Neighborhood Revitalization Strategy funds, which were allocated to the East Dobern and Capitol-Goss neighborhoods in Fiscal Year 2000-2001, as indicated in Plan.

This item continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of the East Dobern/Capitol-Goss Neighborhood Revitalization Plan. (Cont'd.)

Recommendation:

- (d) Urge the property owners, residents, and community members of the East Dobern and Capitol-Goss neighborhoods to dedicate their time, energy, and resources to implement the recommendations of the Plan, recognizing that the successful revitalization of their neighborhoods will ultimately depend on community commitment and investment.

Council District 5. (Planning, Building, and Code Enforcement)

This Item Heard in the Evening.

Council approved staff recommendation regarding the East Dobern/Capitol-Goss Neighborhood Revitalization Plan.

4.5 Approval of various actions regarding Proposed Community Facilities District No. 5, No. 5A, and No. 5B.

Recommendation:

- (a) Close the public hearing on the proposed formation of Community Facilities District No. 5 (North Coyote Valley).
Public Testimony Accepted.
Public Hearing Closed.
- (b) Adoption of a resolution directing the recordation of Notice of Abandonment of the process for Community Facilities District No. 5 (North Coyote Valley).
Resolution No. 70251 adopted.
Disqualified: Dando, family investments.
- (c) Adoption of a Resolution of Intention to establish Community Facilities District No. 5A (North Coyote Valley Facilities), and set the public hearing on this matter for May 1, 2001 at 1:30 p.m.
Resolution No. 70252 adopted.
Disqualified: Dando, family investments.
- (d) Adoption of a Resolution of Intention to establish Community Facilities District No. 5B (North Coyote Valley Services), and set the public hearing on this matter for May 1, 2001 at 1:30 p.m.
Resolution No. 70253 adopted.
Disqualified: Dando, family investments.

This item continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of various actions regarding Proposed Community Facilities District No. 5, No. 5A, and No. 5B. – (Cont'd.)

Recommendation:

- (e) Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendment to the agreement with E. Wagner & Associates for financial consulting services, increasing compensation by \$5,000, from \$70,000 to \$75,000, and extending the term of the agreement from June 30, 2001 to September 30, 2001.

Resolution No. 70254 adopted.

Disqualified: Dando, family investments.

- (f) Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendment to the agreement with Berryman & Henigar for tax consultant services, increasing compensation by \$40,000, from \$84,500 to \$124,500, and extending the term of the agreement from June 30, 2001 to September 30, 2001.

Resolution No. 70255 adopted.

Disqualified: Dando, family investments.

- (g) Adoption of a resolution authorizing the City Attorney to negotiate and execute the second amendment to the agreement with Jones Hall for special counsel services, increasing compensation by \$20,000, from \$90,000 to \$110,000, and extending the term of the agreement from June 30, 2001 to September 30, 2001.

CEQA: Resolution No. 69957. (Public Works)

(Continued from 11/7/00 – Item 10a et al., and 3/27/01 – Item 4.5)

Resolution No. 70256 adopted.

Disqualified: Dando, family investments.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – March 19, 2001

Council Member Chavez, Chair

- (a) Youth Commission Monthly Report

The Committee accepted the Staff report with direction to bring a skateboarding report/timeline before Committee at the April 16, 2001 meeting.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – March 19, 2001 – (Cont'd.) Council Member Chavez, Chair

- (b) Quarterly Update City/SJSU Joint Library Project
The Committee deferred this item to April 16, 2001 meeting.
- (c) Homework Center Tier 2 Evaluation Report
The Committee accepted the Staff report with the following direction to be used:
 - **A standard tool is used for evaluation.**
 - **Random visits by Council Offices, as well as City Staff**
 - **A full report to Council that includes the actual survey**
 - **Focus more on grades when developing evaluation.**
 - **Look at age and location targets**
 - **Look at who is providing services**
- (d) Oral petitions
None Presented.
- (e) Adjournment
The meeting was adjourned at 2:45 p.m.

The Education, Neighborhoods, Youth, and Seniors Committee Report and actions of March 19, 2001 accepted.

5.2 Approval of various actions related to the 2nd Quarter Report for CDBG projects.

Recommendation:

- (a) Acceptance of the second quarter report summarizing the status of Community Development Block Grant (CDBG) projects, recommending corrective actions, and acknowledging the return of funds to the CDBG reserve.
Second Quarter Report accepted.
- (b) Extension of the funding term for six months, from December 31, 2000 to June 30, 2001, for the following projects:
 - (1) G10, Minor Street Reconstruction & Infrastructure Improvements – Department of Public Works.
 - (2) G27, McKinley Community Facilities Improvement – Department of Parks, Recreation and Neighborhood Services.**Approved.**

5 RECREATION & CULTURAL SERVICES

5.2 Approval of various actions related to the 2nd Quarter Report for CDBG projects

Recommendation:

- (c) Extension of the funding term for one year, from December 31, 2000 to December 31, 2001, for the following project:
 - (1) F72, HomeSafe – Charities Housing Development Corporation.
(Parks, Recreation and Neighborhood Services)

Approved.

6 TRANSPORTATION SERVICES

6.1 Traffic Calming Advisory Committee (Ad Hoc) – March 22, 2001 Council Member Reed, Chair

- (a) Review of Traffic Signals Installation Policy
The Committee accepted the staff report.
- (b) Review of Stop Sign Installation Policy
The Committee accepted the staff report and cross-referenced this item for Council action on April 3, 2001.

See Item 6.3 for Council action taken.

- (c) Report on School Access Enhancement Study
The Committee accepted the staff report.
- (d) Report on Crossing Guard Allocation Policy
The Committee accepted the staff report.
- (e) Oral petitions
None Presented.
- (f) Adjournment
The Committee adjourned at 4:00 p.m.

The Traffic Calming Advisory Committee Report and actions of March 22, 2001 accepted.

6 TRANSPORTATION SERVICES

6.2 Approval of contract award and funding actions for the Street Lights – Monterey Pedestrian Project.

Recommendation:

- (a) Report on bids and award of contract for the Street Lights-Monterey Pedestrian Project to the low bidder. CEQA: Exempt. Council District: 3. (Public Works)
- (b) Adoption of an appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Monterey Pedestrian Street Lights Project with a net impacts to the fund of \$496,000. (City Manager's Office)

This Item Dropped.

6.3 Review and approval of various amendments to the Stop Sign Installation Policy.

Recommendation: Adoption of a resolution amending Council Policy 8-1, Criteria for the Installation of Stop Signs. (Department of Transportation)

[Education, Neighborhoods, Youth and Seniors Committee referral 3/22/01 – Item 6.1(b)]

Resolution No. 70257 adopted.

Council approved Policy amendments with direction to the Administration to submit a status report to Council in 6 months.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of an agreement with Planergy Services to allow for the Water Pollution Control Plant's participation in the energy Demand Reduction Program.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Planergy Services, Inc., to provide up to 8.5 Megawatts (MW) of electrical load reduction at the San Jose/Santa Clara Water Pollution Control Plant for the period June 1, 2001 to September 30, 2001, in return for payment to the City of between \$600,000 to \$1,000,000. (Environmental Services)

Resolution No. 70258 adopted.

7.2 Approval of various actions to support and encourage the use of electric and other non-polluting vehicles in San José.

Recommendation:

- (a) Adoption of a resolution approving a new Master Parking Rate Schedule incorporating free parking for non-polluting vehicles at City municipal off-street parking facilities and on-street parking meters on a two-year pilot basis.

This item continued on the next page.

7 ENVIRONMENTAL & UTILITY SERVICES

7.2 Approval of various actions to support and encourage the use of electric and other non-polluting vehicles in San José – (Cont'd.)

- (b) Adoption of a resolution amending the Schedule of Fees for the Use of Parks and Recreational Facilities incorporating free parking for non-polluting vehicles at City regional parks on a two-year pilot basis.
- (c) Direct staff to develop an ordinance that prohibits parking of non-electric vehicles in spaces reserved for electric vehicles.
- (d) Direct staff to develop guidelines to support the use of Neighborhood Electric Vehicles.
- (e) Direct staff to explore opportunities to expand the Alternative Fuel Vehicle Program to increase the City's fleet of non-polluting vehicles where feasible.
- (f) Direct staff to review the Bay Area Air Quality Management District model ordinance for Zero Emission Vehicles/Clean Air Vehicles and to develop a Clean Air Program that incorporates aspects of the ordinance that are appropriate for the City of San José.

(Streets and Traffic)

(Deferred from 3/27/01 – Item 7.3)

Deferred to 04/17/01.

8 AVIATION SERVICES

8.1 Approval to purchase an instrument landing system for the San Jose International Airport.

Recommendation: Award the sole source purchase of a Mark 20A Instrument Landing System for the Airport Department to Airsys ATM, Inc., at a total cost of \$724,284, including tax, and authorize the Director of General Services to execute the purchase order. CEQA: Resolution No. 67380. (General Services)

Approved.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- - (1) William J. Garbett spoke on accessibility to public records.

Following Open Forum, Council recessed at 2:50 p.m. and reconvened at 7:08 p.m., Council Chambers, City Hall.

11 PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

11.1 Public hearing on planned development rezoning on Skyway Drive.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the easterly terminus of Skyway Drive, from (A) PD Planned Development Zoning District and R-1:B-6 Residence District to (A) PD Planned Development Zoning District, to allow: (1) secondary access to Diamond Heights Drive; (2) an increase in the maximum number of students from 1200 to 1400; (3) hard court and parking uses on areas previously designated for open space, and (4) deletion of the requirement to implement a busing program; and (5) combination of the previously approved portions of an existing high school and church campus under one Planned Development Zoning District on 52.68 gross acres. (Valley Christian Schools and South Valley Christian Church, Owner/Developer). CEQA: Negative Declaration. PDC 00-08-065 - District 2

(Continued from 12/12/00 – Item 15k et al., and 3/20/01 – Item 11.3)

Continued to 04/17/01.

11.2 Public hearing on planned development rezoning at 1135 Auzerais Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Auzerais and Race Streets (1135 Auzerais Street), from M-1 Manufacturing Zoning District to (A) PD Planned Development Zoning District, to allow for the relocation of a billboard on 2.86 gross acres. (Chester C. Lehmann, Owner/Developer). CEQA: Exempt. PDC 00-08-082 - District 6

(Continued from 12/12/00 – Item 15n et al., and 3/20/01 – Item 11.4)

Continued to 04/17/01.

11.3 Public Hearing on conforming prezoning of 104 North Bascom Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the property located at the east side of North Bascom Avenue, approximately 100 feet northerly of Olive Avenue (104 North Bascom Avenue), from County to CP Commercial Pedestrian Zoning District, to allow commercial uses on 0.13 gross acres. (Kyo Phu, Owner/Developer). CEQA: Exempt. Director of Planning Building and Code Enforcement recommends approval. No Planning Commission action required. C 00-09-098 - District 6

(Continued from 3/20/01 – Item 11.12)

Ordinance No. 26341 passed for publication.

11 PUBLIC HEARINGS

Items 11.4 and 11.5 Heard Together.

11.4 Public Hearing on the appeal of the Draft Environmental Impact Report for property at State Route 237, between Zanker Road and Coyote Creek.

Recommendation: PUBLIC HEARING ON THE APPEAL OF THE DRAFT ENVIRONMENTAL IMPACT REPORT for a Planned Development Rezoning and Rezoning, to allow development of up to 2.227 million gross square feet of low intensity industrial uses consisting of communications facilities in warehouse style buildings, a Central Reliability Energy Center (CREC), landscaping, and an access driveway on 174.4 acres bordered by State Route 237 to the south, Coyote Creek and its adjacent flood control channel to the east, Water Pollution Control Plant (WPCP) buffer land and sludge ponds to the north, and WPCP buffer land and Zanker Road to the west. (Cilker, Lin & Hom, Owner; USDataport, Developer). Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (5-2-0).

PDC 00-06-048 - District 4

Appeal Denied.

CEQA Resolution No. 70259 adopted.

Statement of Overriding Considerations Approved.

Noes: LeZotte

11.5 Public Hearing on a planned development rezoning and rezoning at State Route 237, between Zanker Road and Coyote Creek.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING AND REZONING of the property located on the north side of State Route 237, between Zanker Road and Coyote Creek, on a 174.4 gross acre site in the LI Light Industrial and A20 (County) Zoning Districts, to allow the development of up to 2.227 million gross square feet of low intensity industrial uses consisting of communications facilities in warehouse style buildings, a Central Reliability Energy Center (CREC), landscaping, and an access driveway. (Cilker, Lin & Hom, Owner; USDataport, Developer). CEQA: Resolution No. 70259. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-3-0).

PDCSH 00-06-048 - District 4

(Continued from 3/20/01 – Item 11.13)

Ordinance No. 26343 passed for publication.

Statement of Overriding Considerations Approved.

Noes: LeZotte.

11 PUBLIC HEARINGS

11.6 Public Hearing on a planned development rezoning on East Taylor and North 7th Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of East Taylor and North 7th Streets, from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 95 attached dwelling units, 50,000 square feet of office space and 8,000 square feet of retail space on 1.9 gross acres. (Milton Fox Corp., Owner; Picerne Development, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 00-11-121 - District 3

Ordinance No. 26342 passed for publication.

Council approved the PD rezoning with the addition that Staff initiate development of a parking management district for the Japantown Business District, and that the Developer contribute a maximum amount determined through negotiations between the Public Works Department and the Developer for costs associated with traffic improvements necessary because of the project, i.e., traffic signals and/or traffic calming elements.

11.7 Public Hearing on a planned development rezoning on North First Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of North First Street, 250 feet southerly of Burton Avenue, from CN Neighborhood Commercial Zoning District to A(PD) Planned Development Zoning District, to allow a reduction in parking requirements for existing restaurant uses on 0.36 gross acres. (Cortese, Owner; Tafreshi, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-02-013 - District 3

Continued to 04/17/01.

- **Open Forum**

- (1) **Lilyann Brannon asked Council to place on a future agenda for consideration the expansion of West Valley Branch Library.**
- (2) **Art Maurice and Bryan Stephenson spoke on various issues.**
- (3) **William J. Garbett spoke on the missing EIR for Item 11.4.**
Mayor Gonzales presented to Mr. Garbett a copy of the EIR.

- **Adjournment**

The Council of the City of San José adjourned at 11:30 p.m.